Prosecutors Ask 'Gag' Order in FBI 'Black Bag' Case

By Allan Frank
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Prosecutors in the "FBI black bag case" have asked U.S. District Judge William B. Bryant to issue a protective order prohibiting defense attorneys and their clients from making "unauthorized disclosure or dissemination of classified national security documents."

At the same time yesterday Thomas A. Kennelly, attorney for Edward S. Miller, the former assistant FBI director for domestic intelligence who is one of the three high-ranking former bureau officials facing trial, filed a motion asking for disclosure of documents relating to government knowledge about contacts by the radical Weather Underground with foreigners.

Miller, former acting FBI Director L. Patrick Gray III and former Acting Associate Director W. Mark Felt are scheduled to be tried Jan. 22. They are charged with conspiracy for alleged violations of the rights of Weatherman relatives who were subjected to illegal break-ins, mail opening and wire taps by FBI agents during 1972 and 1973.

KENNELLY SAID that although the court in August ordered prosecutors to turn over documents relating to foreign contacts by Weatherman members, the prosecution has failed to do so or has produced documents so heavily edited that they have lost their meanings.

Among the documents the defense wants are:

—A report prepared by the FBI's Chicago office about Weatherman contacts with "foreign governments or agents."

—Electronic surveillance information of Weatherman member William Ayres, which the defense contends will show "contact with the government of North Vietnam."

—Files held by the U.S. government containing Royal Canadian Mounted Police records.

—Files about communications between the Weatherman Underground, the Students for a Democratic Society, the "Venceremos Brigade" (a radical group which went to Cuba) and the Cuban Mission to the United Nations

—About 100 letters obtained by the CIA which the defense believes were written by Weather Underground fugitive Cathy Boudin from Moscow during the early 1970s.

IN A LETTER Sept. 29 to defense attorneys, chief prosecutor Barnet D. Skolnik said the documents could not be released because their disclosure would reveal "sources and methods" of foreign intelligence operations.

Skolnik added: "That, as you and your clients are, of course, well aware, is understandably viewed by the international intelligence community as a problem with a capital P."